

WILMERHALE

August 12, 2019

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Hon. Victor Marrero
Suite 1040
United States Courthouse
500 Pearl St.
New York, NY 10007

Re: *Enriquez v. Nabriva Therapeutics PLC, et al.*, 1:19-cv-04183-VM

Dear Judge Marrero.

I write on behalf of Defendants Nabriva Therapeutics PLC and Ted Schroeder (collectively, the "Defendants") in the above-captioned action to request a modification to the Court's August 1, 2019 Order (the "August 1 Order"), ECF No. 24. In the August 1 Order, the Court so-ordered the parties' Joint Stipulation and Proposed Order Regarding Briefing Schedule (the "Stipulation"), which contained the following deadlines: September 20, 2019 (Lead Plaintiff's amended complaint); November 19, 2019 (Defendants' motion to dismiss); January 3, 2019 (Lead Plaintiff's opposition to the motion to dismiss); and February 3, 2019 (Defendants' reply). The Court also modified the Stipulation to reflect that the Defendants' time to respond to an amended complaint is "subject to compliance with the Court's Individual Practices."

In light of the Court's pre-motion requirements (*see* Individual Practices § II.B), Defendants respectfully request additional time to account for the pre-motion stage. Defendants believe that deferring preparation of their motion to dismiss until after the pre-motion stage is complete is a more efficient use of resources, particularly if the Court grants leave to Lead Plaintiff to amend the complaint or denies Defendants' request to file a motion.

Accordingly, Defendants respectfully request that the Court modify the briefing schedule contained in the August 1 Order as follows:

1. Lead Plaintiff shall file an amended complaint on or before September 20, 2019.
2. Defendants shall submit a pre-motion to dismiss letter to Lead Plaintiff in compliance with the Court's Individual Practices on or before October 21, 2019.
3. Lead Plaintiff shall respond to Defendants by similar letter on or before November 4, 2019.

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4. In the event the parties fail to resolve the dispute over the appropriateness of filing a motion to dismiss, Defendants shall notify the Court in writing, indicating why a motion to dismiss remains warranted, on or before November 18, 2019.
5. In the event that the Court grants leave to Defendants to file a motion to dismiss, Defendants shall file such motion within 60 days of the Court's ruling;
6. Lead Plaintiff shall file his opposition to the motion to dismiss within 60 days of Defendants' motion; and
7. Defendants shall file their reply within 30 days of Lead Plaintiff's opposition.

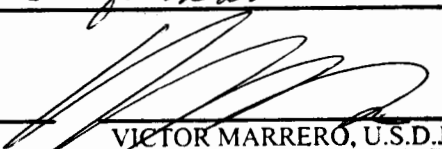
Defendants have conferred with Lead Plaintiff's counsel, who do not oppose this request to modify the August 1 Order.

Respectfully submitted,



Michael G. Bongiorno

cc: Counsel of Record

<i>Request GRANTED. The Court's Order dated 8-1-19 is modified to prescribe the motion schedule set forth above</i>	
SO ORDERED.	
<i>8-13-19</i> DATE	 VICTOR MARRERO, U.S.D.J.